



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,702	01/16/2001	James Douglas Pettifor	36-1399	7602

7590 08/24/2004

Nixon & Vanderhye  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

EXAMINER
----------

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/743,702

**Applicant(s)**

PETTIFOR ET AL.

**Examiner**

Rasha S Al-Aubaidi

**Art Unit**

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/27/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2642

***Response to Amendment***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 12 and 13 recite, "...to be able to distinguish between individual call types:" that is not described/found in the specification.

***Claim Objections***

4. Claims 1-3, 5, and 8 are objected to because of the following informalities: in claims 1-3, 5, and 8 "centre" should be "center". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

Art Unit: 2642

5. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda.

Regarding claim 1, Takeda teaches a telephone switching center coupled to a subscriber line and an enhanced service apparatus (see Fig.1 and 2, also, col. 4, lines 30-37), the switching center having event detection means for recording the occurrence of a predetermined event associated with the subscriber line (see col. 4, lines 60-65), and a call processing means responsive to an attempt to establish or terminate a call connection via the subscriber line (see col. 4, lines 60-65) to selectively either: notify the enhanced service processing apparatus of that attempt (see col. 6, lines 14-44) or establish or terminate said call connection without such notification (this basically reads on connection calls such as 1-800 toll free numbers, see also, col. 4, lines 39-50), according to whether occurrence of the predetermined event has been recorded by the detection means, the enhanced service processing apparatus having means responsive to such notification to send switching control commands to the telephone switching center (see col. 4, lines 60-65 also, col. 6, lines 39-56).

The claimed "recording" may simply read on "recording all calls (those that require notification and those that do not) for billing purposes. The broadly claimed feature of "recording" also reads on the memory in the switch, which has lists of call types (those that require "IN calls" and those that do not). Recording

Art Unit: 2642

"billing" information would have been obvious. For example, a non-IN call may be free and an IN call may result in "recording" charges for billing the customer.

Claim 8 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, the processing means including a flag means, which is responsive to notification of said predetermined event (this basically reads on the armed trigger, see col. 5, lines 9-20 and col.6, lines 14-23).

Regarding claim 3, in regard to the event detecting means for detecting a predetermined event and notifying the switching center of an occurrence of said event (see col.6, lines 39-44).

Claim 4 is rejected for the same reasons as discussed above with respect to claim 1. Also, the flag reads on the armed trigger that is associated with the predetermined event of a called party in the event of a busy or no answer situation (see abstract, also col.11, lines 9-21).

Regarding claim 5, the enhanced service processing apparatus has means to control the switching center in dependence on said flag state information (see col. 12, lines 16-23).

Art Unit: 2642

Claim 6 reads on the event of activating the armed trigger in the case of reaching called party voice mail system because of a no answer or busy situation at the called party terminal (see col.11, lines 8-20).

Regarding claim 7, Takeda does not specifically teach a call charging system that charges the subscriber line in the event of exceeding a threshold value. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a charging means in Takeda system in order to discourage users from making unauthorized calls to certain numbers.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 6.

Claim 10 basically recites that each time a user makes a call that will be counted in the parameter at the user terminal. Obviously if there is a limit on how many phone calls a user can make each time a phone call will be placed, a trigger will be armed when it reaches the threshold value.

Claim 11 basically recites that there is no further notification message will be sent to the SCP until another event is detected. This is obvious.

***Response to Arguments***

Art Unit: 2642

6. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Takeda fails to disclose performing a selection of processing according to whether occurrence of a predetermined event associated with a subscriber line. This limitation is not recited in the claim. Furthermore, performing a selection of processing according to whether occurrence of a predetermined event associated with a subscriber line has been recorded by a detection means is obvious. For example, detecting the dialing of a 1-800 number at the SSP.

Applicant argues that claims 12 and 13 require selecting a processing operation without the switching center to be able to distinguish between individual call types. This limitation is not described in the specification.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703)-305-9306.

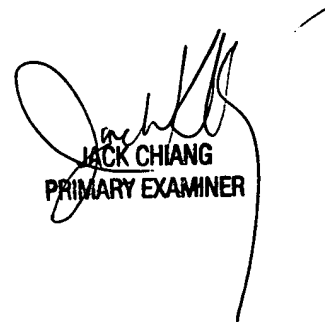
Art Unit: 2642

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S Al-Aubaidi

08/12/2004



JACK CHIANG  
PRIMARY EXAMINER